

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 924 of 1999
HOUSE BILL 1806

5 By: Representative Napper
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND THE ARKANSAS CODE PERTAINING TO THE
10 PROCEDURE FOR DECIDING CASES IN THE COURT OF APPEALS;
11 AND FOR OTHER PURPOSES."
12

Subtitle

13 "AN ACT TO ELIMINATE TIE VOTES IN
14 DECISIONS BY THE COURT OF APPEALS."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code 16-12-113 is amended to read as follows:

21 "16-12-113. Decisions of court.

22 The decision of a division must be unanimous. If the decision is not
23 unanimous, the case shall be resubmitted under rules prescribed by the Court
24 of Appeals to the original division to which the case was submitted and to
25 another of the divisions authorized by § 16-12-109. The two (2) divisions
26 shall then decide the case by majority vote; however, if there is a tie vote,
27 ~~the decision appealed from shall be affirmed~~ the case shall be resubmitted
28 under rules prescribed by the Court of Appeals to the two (2) divisions that
29 voted to decide the case with a tie vote and another of the divisions
30 authorized by Arkansas Code 16-12-109. The three (3) divisions shall then
31 decide the case by majority vote."
32

33 SECTION 2. Arkansas Code 16-12-114 is amended to read as follows:

34 "16-12-114. Rehearings.

35 (a) A party aggrieved by the decision of a division of the Court of
36 Appeals shall have the right to petition for a rehearing which shall be

1 decided under rules prescribed by the Court of Appeals by the original
 2 division which decided the case and by another of the divisions authorized by
 3 § 16-12-109. If the petition is granted, the rehearing shall be decided by the
 4 majority vote of the two (2) divisions which granted the rehearing, and, if
 5 there is a tie vote on rehearing, ~~the decision of the original division shall~~
 6 stand the rehearing shall be decided by the majority vote of the two (2)
 7 divisions that rendered the tie vote on rehearing and another of the divisions
 8 authorized by Arkansas Code 16-12-109.

9 (b) Petitions for rehearing in cases decided by the vote of two (2)
 10 divisions sitting together shall be decided in the same manner provided in
 11 subsection (a) of this section by the same divisions which made the original
 12 decision, subject to an additional division joining in the event of a tie
 13 vote. Petitions for rehearing in cases decided by the vote of three (3)
 14 divisions sitting together shall be decided in the same manner provided in
 15 subsection (a) of this section by the same divisions that made the original
 16 decision.

17 (c) Motions filed in the Court of Appeals shall be submitted to and
 18 decided by at least two (2) divisions sitting together, under rules prescribed
 19 by the Court of Appeals."
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21 SECTION 3. All provisions of this act of a general and permanent nature
 22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 23 Revision Commission shall incorporate the same in the Code.
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25 SECTION 4. If any provision of this act or the application thereof to
 26 any person or circumstance is held invalid, such invalidity shall not affect
 27 other provisions or applications of the act which can be given effect without
 28 the invalid provision or application, and to this end the provisions of this
 29 act are declared to be severable.
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31 SECTION 5. All laws and parts of laws in conflict with this act are
 32 hereby repealed.
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35 APPROVED: 3/29/1999
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